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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/528,064

03/15/2005

Mans Cederlof

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6586

23117

7590

08/28/2006

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EXAMINER

RAY, GOPAL C

ART UNIT

PAPER NUMBER

2111

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/528,064

Applicant(s)

CEDERLOF ET AL.

Examiner

Gopal C. Ray

Art Unit

2111

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/15/05</u> | 6) <input type="checkbox"/> Other: _____ |

1. The examiner acknowledges the Preliminary Amendment to the claims filed on 3/15/05. Claims 1-15 are presented for examination.
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The examiner believes that the title of the invention is broad. A descriptive title indicative of the invention will help in proper indexing, classifying, searching, etc. See MPEP 606.01. However, the title of the invention should be limited to 500 characters.
3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because the word "said" is used in lines 3 and 4 (multiple occurrences). Applicant should change the word "said" in each occurrence to --the--.

4. The drawings filed on 3/15/05 are acceptable by the examiner for examination purposes. However, the Office of Initial Patent Examination (OIPE) reviews drawings initially for publication purposes. Direct any inquiries concerning drawing review for publication purposes to the Office of Initial Patent Examination (OIPE). See MPEP 507 for detail information.

5. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification. Furthermore, all claims should be revised carefully to eliminate all grammatical errors and antecedent basis problems.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3, 7, 8, 10, 11 and 15 are rejected under 35 U.S.C. § 102(b) as being anticipated by European Patent Application, EP 1 014 626.

As per claim 1, EP 1 014 626 teaches “a data bus controller arrangement for controlling data flow on a data, said data bus connecting at least one receiver unit to one or several transmitter units” in Figures 1-2 and paragraph [0012]; “said arrangement, being a part of said receiver unit, controls said flow, specially overflow, on said data bus by outputting a control data sequence on said data bus to be received by said transmitting units, which alter transmission mode upon reception of said control data” in paragraph [0017]. Furthermore, the status error indicator of EP 1 014 626 can be read by a communications processor and an early congestion interrupt, which is considered equal to the control data sequence of the instant invention, can be generated. The result of the early congestion interrupt signal is that burst size is changed or a modification of time-slice of the active processes. Hence, the

transmission mode is changed due to early congest interrupt signal. See Fig. 26 and paragraphs [0129-0134].

As per claim 2, EP 1 014 626 teaches "High-level Data Link Control (HDLC) protocol" in paragraph [0007].

As per claim 3, EP 1 014 626 teaches "said data sequence comprises logical zeros (0) or (1)" in paragraph [0016]. Furthermore, the status error indicator of EP 1 014 626 can be read by a communications processor and an early congestion interrupt, which is considered equal to the control data sequence of the instant invention, can be generated.

As per claim 7, EP 1 014 626 teaches, "said transmission mode comprises one of transmission or blocked transmission" in paragraph [0073].

As per claim 8, the claim recites a method. However, the limitations of the claim are parallel to the limitations of apparatus claim 1. Therefore, in teaching the construction and use of the device, European Patent Application, EP 1 014 626 teaches a corresponding method.

As per claims 10, 11 and 15, the added limitations of the claims are rejected for the same reasons as discussed in the rejection of claims 2, 3 and 7 respectively.

8. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2111

9. Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over European Patent Application, EP 1 014 626 in view of common knowledge in the data communication art.

As per claim 4, EP 1 014 626 teaches, "a processing unit", "a memory unit", "a bus driver" and "a logic unit" in Figures 1-2 and paragraph [0053]. Therefore, it would have been obvious to one of ordinary skill in the data communication art at the time the invention was made to implement in each receiver unit of EP 1 014 626 with "a processing unit", "a memory unit", "a bus driver" and "a logic unit" to obtain the claimed invention because according to *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960), mere duplication of parts has no patentable significance unless a new and unexpected result is produced. Therefore, implementing in each receiver unit: "a processing unit", "a memory unit", "a bus driver" and "a logic unit" would be an obvious choice of design from which one of ordinary skill in the art at the time the invention was made would select in accordance with circumstances without the exercise of inventive skill so as to allow the system to expand and to take advantage of the many benefits provided by the features.

10. Claims 5 and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over European Patent Application, EP 1 014 626 in view of US Patent 6,967,950 granted to Galicki et al. and common knowledge in the data communication art.

As per claims 5 and 6, the claims are rejected for the same reasons as discussed in the rejection of claim 4 above with the exception of "controlling data transfer with the use of a stop signal". However, the above features were well known to one of ordinary

skill in the network communication art at the time the invention was made as evidenced by Galicki et al. The reference of Galicki et al. teaches the features in col. 1, lines 30-55. It would have been obvious to one of ordinary skill in the data communication art at the time the invention was made to implement the above feature in the system of EP 1 014 626 to obtain the claimed invention as claimed in claims 5 and 6 because the above features would allow the system of EP 1 014 626 to transfer data reliably which is desirable in a data communication system.

11. Claims 9 and 12-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over European Patent Application, EP 1 014 626 in view of US Patent 6,625,163 granted to Shideler et al.

As per claims 9 and 12-14, the claims are rejected for the same reasons as discussed in the rejection of claim 8 above with the exception of "collision detection and stop sending data mechanism". However, the above features were well known to one of ordinary skill in the network communication art at the time the invention was made as evidenced by Shideler et al. The reference of Shideler et al. teaches the features in Fig. 5; col. 2, lines 32-50 and col. 11, lines 18-23. It would have been obvious to one of ordinary skill in the data communication art at the time the invention was made to implement the above feature in the system of EP 1 014 626 to obtain the claimed invention as claimed in claims 9 and 12-14 because both the prior art systems are analogous to use HDLC protocol and the above feature is a straightforward possibility from which one of ordinary skill in the art at the time the invention was made would select in accordance with circumstances without the exercise of inventive skill so as to

allow the system to be compatible with a widely used standard and to take advantage of the many benefits provided by the features such as preserving data integrity by adapting data collision mechanism, etc.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is urged to consider the references. However, the references should be evaluated by what they suggest to one versed in the art, rather than by their specific disclosure.

The prior art submitted by applicant on 3/15/05 has been considered by the examiner and made of record in the file. If applicants are aware of any prior art better than those are of record, they are required to bring the prior art to the attention of the examiner. Applicants are also reminded that each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in 37 CFR 1.56. Applicants are advised to submit any information material to patentability in accordance with 37 CFR 1.97 and 1.98.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gopal C. Ray whose telephone number is (571) 272-3631. The examiner can normally be reached on Monday - Friday from 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart, can be reached on (571) 272-3632. The fax phone number for this Group is (571) 273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [**mark.rinehart@uspto.gov**].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to TC central telephone number is (571) 272-2100. Moreover, information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lastly, paper copies of cited U.S. Patents and Patent Application Publications ceased to be mailed to applicants with office actions as of June 2004. Paper copies of Foreign Patents and Non-Patent Literature will continue to be included with office actions. These cited U.S. Patents and Patent Application Publications are available for download via Office's PAIR. As an alternate source, all U.S. Patents and Patent Application Publications are available on the USPTO web site (www.uspto.gov), from the office of Public Records and from commercial sources. Applicants are referred to the Electronic Business Center (EBC) at <http://www.uspto.gov/ebc/index.html> or 1-866-217-9197 for information on this policy. Requests to restart a period for response due to a missing U.S. Patent or Patent Application Publications will not be granted.


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